## **United States Court of Appeals**FOR THE EIGHTH CIRCUIT

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1	No. 00-38	85EM
Lorne Lei Wray,	*	
Lorne Let Wilay,	*	
Appellant,	*	
	*	
v.	*	
	*	
Mr. Anthony M. Ross; Mrs. Antho	ny *	
M. Ross; State of Missouri, Frankl	in *	
County; Missouri Department of	*	
Mental Health; Missouri Public	*	
Defender Commission, Franklin	*	
County; St. Louis Psychiatric	*	
Rehabilitation Center; William	*	On Appeal from the United
Lampros; Joan Ross; Roberta Gard	dine, *	States District Court
CEO; Allen Blake, Asst. CEO; Joh	nn *	for the Eastern District
Rabon, Dr.; Richard Scott, Dr.; As	hok *	of Missouri.
Mallaya, Dr.; Ron Scharer, RN; Al	lly *	
Burr Harris; Alphonso Menotti, Dr	**	[Not To Be Published]
Gwen Portwood; Antonio Gesmun	do, *	
Dr.; Robert Steele; Beverly Buscer	ni; *	
Karol Keil; Mario Carrerz, Dr.; Nie	col *	
Ross; Mr. Charles McClung; Mrs.	*	
Charles McClung; Unknown Ladd	*	
Criminal Judge of Franklin County	*	
Presiding in December 1997; Coun	ntry *	
Club Hills Police Department; Fran	ıklin *	
County Sheriff's Department; Thor	mas *	
Johnson; Marian Brown,	*	
	*	
Appellees.	*	

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Submitted: April 2, 2001

Filed: May 18, 2001

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Before MORRIS SHEPPARD ARNOLD, RICHARD S. ARNOLD, and FAGG, Circuit Judges.

## PER CURIAM.

Lorne Wray, who was committed to the St. Louis Psychiatric Rehabilitation Center after his plea of not guilty to charged criminal conduct by reason of insanity, appeals the District Court's <sup>1</sup> 28 U.S.C. § 1915(e)(2)(B) dismissal of his 42 U.S.C. § 1983 complaint. The District Court did not err. Wray failed to state a section 1983 claim against any of the defendants, and he cannot attack the fact or duration of his confinement in a section 1983 complaint. His remedy, in the first instance, must be to apply to a state court for release under Mo. Rev. Stat. § 552.040(5). See <u>Kolocotronis v. Holcomb</u>, 925 F.2d 278 (8th Cir. 1991).

Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

<sup>&</sup>lt;sup>1</sup>The Honorable Rodney W. Sippel, United States District Judge for the Eastern District of Missouri.